

# Office Action Summary

Application No.

08/464,036

Applicant(s)

Hirano et al

Examiner

John E. Barlow Jr.

Group Art Unit

2108



☒ Responsive to communication(s) filed on Aug 23, 1996

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 29-34 and 36-41 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 29-32 is/are allowed.

☒ Claim(s) 33, 34, 37, and 41 is/are rejected.

☒ Claim(s) 36 and 38-40 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 15

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

### Part III DETAILED ACTION

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 33-34, 37 and 41 are rejected under 35 U.S.C. § 102(b) as being anticipated by SUZUKI (JP 01-301350).

SUZUKI (JP 01-301350) discloses a printer including a carriage (22) which moves along a print area; a head (21) mounted on the carriage; an ink cartridge mounted on the carriage and a resilient member (11, 12, 13) for supporting the ink jet cartridge on the carriage in a direction of movement of the carriage. The resilient member includes a lever (11) mounted on the carriage. The lever includes two arms. As element 13 supports or holds the side of the printhead and is made of the "spring material", it is maintained that the printhead cartridge is supported in the direction of printhead movement.

#### *Allowable Subject Matter*

2. Claims 29-32 are allowable over the prior art of record.
3. Claims 36 and 38-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Response to Arguments*

4. Applicant's arguments filed August 23, 1996 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the dampening function of the resilient member) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. *In re Van Guens*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It is noted that this dampening limitation is not recited until dependent claim 41, however, the prior art is still felt to anticipate Applicant's claimed invention. The function of supporting is relatively open to interpretation including that of holding the printhead as is the case with the prior art to Suzuki (JP 1-301350). Applicant's choice of the language in claim drafting of the terminology of "member" permits structure such as the corrugated portions (13) to read on the invention as now is claimed. Furthermore, as the material is stated to be a spring material, the member is believed to inherently possess a "resilient" characteristic.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

Responses to this Final Action should be addressed to:

Box AF  
Assistant Commissioner for Patents  
Washington, D.C. 20231

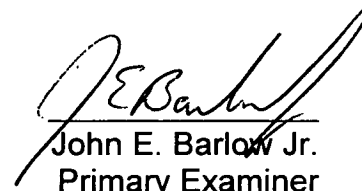
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*Contact Information*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John E. Barlow Jr., Art Unit 2108, whose telephone number is (703) 308-3126.

jb  
November 12, 1996

  
John E. Barlow Jr.  
Primary Examiner  
Art Unit 2108